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CASREF, CLOSED, PROSE-PR, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-01572-ABJ-AK**

VALENCIA-TRUJILLO v. UNITED STATES OF AMERICA
et al

Assigned to: Judge Amy Berman Jackson
Referred to: Magistrate Judge Alan Kay
Cause: 05:552 Freedom of Information Act

Date Filed: 09/17/2010
Date Terminated: 02/17/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**JOAQUIN MARIO VALENCIA-
TRUJILLO**

represented by **JOAQUIN MARIO VALENCIA-
TRUJILLO**
R02440-748
COLEMAN II
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 1034
COLEMAN, FL 33521
PRO SE

V.

Defendant

UNITED STATES OF AMERICA

represented by **Benjamin Cory Schwartz**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 514-7185
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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UNITED STATES ATTORNEY'S
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TERMINATED: 04/04/2011

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TERMINATED: 02/03/2012

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TERMINATED: 08/10/2011

Defendant

DEPARTMENT OF TREASURY

represented by **Benjamin Cory Schwartz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benjamin George Birkhill
(See above for address)
TERMINATED: 04/04/2011

Felice D. Cherry
(See above for address)
TERMINATED: 02/03/2012

Sharon L. Tucker
(See above for address)
TERMINATED: 08/10/2011

Defendant

**OFFICE OF FOREIGN ASSETS
CONTROL**

represented by **Benjamin Cory Schwartz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benjamin George Birkhill
(See above for address)
TERMINATED: 04/04/2011

Felice D. Cherry
(See above for address)
TERMINATED: 02/03/2012

Sharon L. Tucker
(See above for address)
TERMINATED: 08/10/2011

Date Filed	#	Docket Text
09/17/2010	<u>1</u>	COMPLAINT against DEPARTMENT OF THE TREASURY, OFFICE OF THE FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Filing fee \$ 0.00) filed by JOAQUIN MARIO VALENCIA-TRUJILLO. (Attachments: # <u>1</u> Civil Cover Sheet)(jf,) (Entered: 09/20/2010)
09/17/2010	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by JOAQUIN MARIO VALENCIA-TRUJILLO (jf,) (Entered: 09/20/2010)
09/17/2010	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by JOAQUIN MARIO VALENCIA-TRUJILLO. (jf,) (Entered: 09/20/2010)
09/17/2010	<u>4</u>	ORDER directing an initial partial filing fee in the amount \$15.00 from Prison Account of Joaquin Mario Valencia-Trujillo; further ordered, granting <u>2</u> MOTION for Leave to Proceed in forma pauperis. Signed by Judge Emmet G. Sullivan on 09/14/2010. (See order for full detail) (jf,) (Entered: 09/20/2010)
09/17/2010		SUMMONS (4) Issued as to DEPARTMENT OF THE TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 09/22/2010)

10/01/2010	5	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed in a FOIA Case as to the U.S. Attorney for DC served on 9/27/2010, answer due 10/27/2010 for U.S. Attorney. (rdj) (Entered: 10/01/2010)
10/15/2010	6	NOTICE of Appearance by Benjamin George Birkhill on behalf of DEPARTMENT OF THE TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Birkhill, Benjamin) (Entered: 10/15/2010)
10/22/2010	7	MOTION for Extension of Time to File Answer by DEPARTMENT OF THE TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Birkhill, Benjamin) (Entered: 10/22/2010)
10/22/2010		MINUTE ORDER granting 7 Motion for Extension of Time to Answer: DefendantS' answer is due by 11/26/2010. Signed by Judge Ellen S. Huvelle on October 22, 2010. (AG) (Entered: 10/22/2010)
10/29/2010	8	RESPONSE re 7 MOTION for Extension of Time to File Answer filed by JOAQUIN MARIO VALENCIA-TRUJILLO. (jf,) (Entered: 11/02/2010)
11/10/2010	9	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 10/13/10. (dr) (Entered: 11/12/2010)
11/23/2010	12	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF THE TREASURY served on 11/12/2010; OFFICE OF FOREIGN ASSETS CONTROL served on 11/12/2010 (jf,) (Entered: 11/29/2010)
11/24/2010	10	ANSWER to 1 Complaint by DEPARTMENT OF THE TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA.(Birkhill, Benjamin) (Entered: 11/24/2010)
11/24/2010	11	MOTION for Order by DEPARTMENT OF THE TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Birkhill, Benjamin) (Entered: 11/24/2010)
11/29/2010		MINUTE ORDER granting in part and denying in part 11 defendants' Motion for Order: upon consideration of defendants' motion and the Court's conclusion that no purpose would be served by delaying the filing of dispositive motions, it is hereby ORDERED that defendants shall file a dispositive motion on or before January 18, 2011. Signed by Judge Ellen S. Huvelle on November 29, 2010. (AG) (Entered: 11/29/2010)

12/09/2010	<u>13</u>	Letter from Joaquin Mario Valencia-Trujillo "Let this be filed" by Judge Ellen S. Huvelle (jf,) (Entered: 12/09/2010)
12/10/2010		MINUTE ORDER re <u>13</u> Letter: the Court construes the <u>13</u> Letter from Plaintiff addressed to the Clerk and this Judge as a motion (1) to strike Defendants' answer, (2) for an order requiring defendants to resubmit their disclosures, (3) for an order to show cause, (4) for a protective order, and (5) for a clawback order. It is hereby ORDERED that defendants shall respond to plaintiff's motion at the same time as it files its dispositive motion (only one document should be filed), which is due no later than January 18, 2011. Signed by Judge Ellen S. Huvelle on December 10, 2010. (AG,) (Entered: 12/10/2010)
12/13/2010		Set/Reset Deadlines: Response due by 1/18/2011 (gdf) (Entered: 12/13/2010)
12/13/2010	<u>14</u>	MOTION to Strike Defendants' answer,, MOTION for an Order requiring defendants to resubmit their disclosures, MOTION for Order to Show Cause, MOTION for Protective Order, MOTION for a clawback order by JOAQUIN MARIO VALENCIA-TRUJILLO. (See Minute Order dated 12/10/2010) (jf,) (Entered: 12/15/2010)
12/28/2010	<u>15</u>	MOTION to Compel the filing of compliance affidavits and a vaughn index along with any dispositive pleadings by JOAQUIN MARIO VALENCIA-TRUJILLO. (Attachments: # <u>1</u> Affidavit)(jf,) (Entered: 12/30/2010)
01/04/2011	<u>16</u>	ORDER denying <u>15</u> Motion to Compel. Signed by Judge Ellen S. Huvelle on January 4, 2011. (AG) (Entered: 01/04/2011)
01/10/2011	<u>17</u>	MOTION for Extension of Time to File by DEPARTMENT OF TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Birkhill, Benjamin) (Entered: 01/10/2011)
01/10/2011		MINUTE ORDER granting <u>17</u> Consent Motion for Extension of Time to File: Upon Consideration of Defendants' Motion for Enlargement of Time to File Motion for Summary Judgment, and the entire record herein, it is hereby ORDERED that Defendants' motion is GRANTED. It is further ORDERED that Defendants shall file their dispositive motion by March 21, 2011. Signed by Judge Ellen S. Huvelle on January 10, 2011. (AG) (Entered: 01/10/2011)
01/10/2011		Set/Reset Deadlines: Summary Judgment motions due by 3/21/2011. (AG) (Entered: 01/10/2011)
03/10/2011	<u>18</u>	MOTION for Summary Judgment by DEPARTMENT OF TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Attachments: # <u>1</u> Exhibit)(Birkhill, Benjamin) (Entered: 03/10/2011)

03/30/2011		Case randomly reassigned to U.S. District Judge Amy Berman Jackson. Judge Ellen S. Huvelle no longer assigned to the case. (gt,) (Entered: 03/30/2011)
04/04/2011	19	NOTICE OF SUBSTITUTION OF COUNSEL by Sharon L. Tucker on behalf of UNITED STATES OF AMERICA Substituting for attorney Benjamin Birkhill (Tucker, Sharon) (Entered: 04/04/2011)
04/05/2011	20	MOTION for Leave to File a Brief in Response to Defendant's Motion for Summary Judgment by JOAQUIN MARIO VALENCIA-TRUJILLO (jf,) (Entered: 04/06/2011)
04/12/2011	21	ENTERED IN ERROR.....ORDER granting 20 Motion for Leave to File. Signed by Judge Amy Berman Jackson on 4/12/11. (DJMAC,) Modified on 4/12/2011 (gt,). (Entered: 04/12/2011)
04/12/2011	22	ORDER granting 20 plaintiff's Motion for Additional Time to File Brief in Opposition to 18 defendants' motion for summary judgment. Plaintiff's response is due by June 11, 2011. Signed by Judge Ellen S. Huvelle on April 12, 2011.(AG) (Entered: 04/12/2011)
04/12/2011		Set/Reset Deadlines: Plaintiff's response to Defendants' motion for summary judgment is due by 6/11/2011. (jth) (Entered: 04/12/2011)
06/24/2011	23	MOTION for Extension of Time to File Response/Reply as to 18 MOTION for Summary Judgment by JOAQUIN MARIO VALENCIA-TRUJILLO. "Leave to file GRANTED" to be filed as motion for extension of time to respond to motion for summary judgment by Judge Amy B. Jackson signed 06/24/2011 (jf,) (Entered: 06/24/2011)
06/24/2011		MINUTE ORDER granting 23 Motion for Extension of Time to File Response re 18 MOTION for Summary Judgment. The response is due by 7/25/2011. Signed by Judge Amy Berman Jackson on 6/24/2011. (MT) (Entered: 06/24/2011)
07/05/2011	24	Memorandum in opposition to re 18 MOTION for Summary Judgment filed by JOAQUIN MARIO VALENCIA-TRUJILLO. (jf,) (Entered: 07/07/2011)
07/14/2011	25	REPLY to opposition to motion re 18 MOTION for Summary Judgment filed by DEPARTMENT OF TREASURY. (Tucker, Sharon) (Entered: 07/14/2011)
08/09/2011	26	MOTION for Extension of Time by JOAQUIN MARIO VALENCIA-TRUJILLO. "Leave to file GRANTED, file as motion for extension of time" signed by Judge Amy B. Jackson (jf,) (Entered: 08/09/2011)

08/10/2011		MINUTE ORDER denying 26 Plaintiff's Motion for Extension of Time to respond to 25 reply to opposition to motion for summary judgment. There are no provisions for a sur-reply under the rules. Signed by Judge Amy Berman Jackson on 8/10/2011. (MT) (Entered: 08/10/2011)
08/10/2011	27	NOTICE OF SUBSTITUTION OF COUNSEL by Felice D. Cherry on behalf of All Defendants Substituting for attorney Sharon L. Tucker (Cherry, Felice) (Entered: 08/10/2011)
08/15/2011		Leave to File Denied signed by Judge Amy B. Jackson on 08/11/2011. Plaintiff's Surreply to Motion for Summary Judgment. (jfb,) (Entered: 08/15/2011)
10/12/2011	28	ORDER REFERRING CASE to Magistrate Judge Kay for full case management, up to but excluding trial. This includes, with respect to any dispositive motions, preparation of a report and recommendation pursuant to L.Cv.R. 72.3. Signed by Judge Amy Berman Jackson on 10/12/2011. (MT) (Entered: 10/12/2011)
10/12/2011	29	CASE REFERRED to Magistrate Judge Alan Kay for full case management, up to but excluding trial. (kb) (Entered: 10/13/2011)
12/07/2011	30	NOTICE of Supplemental Release of Documents by DEPARTMENT OF TREASURY, OFFICE OF FOREIGN ASSETS CONTROL, UNITED STATES OF AMERICA (Attachments: # 1 Exhibit Supplemental Release)(Cherry, Felice) (Entered: 12/07/2011)
01/09/2012	31	REPORT AND RECOMMENDATION re 14 Motion to Strike, Motion to Resubmit Documents, Motion for Order to Show Cause, Motion for Protective Order and Motion for a clawback order filed by JOAQUIN MARIO VALENCIA-TRUJILLO; and 18 Motion for Summary Judgment filed by UNITED STATES OF AMERICA, DEPARTMENT OF TREASURY, OFFICE OF FOREIGN ASSETS CONTROL. Signed by Magistrate Judge Alan Kay on 01/09/2012. (lcak1) (Entered: 01/09/2012)
01/11/2012	32	ORDER directing the plaintiff to file his objections to Magistrate Judge Kay's Report and Recommendation on or before February 10, 2012. Signed by Judge Amy Berman Jackson on 1/11/12. (ms,) (Entered: 01/11/2012)
01/12/2012		Set/Reset Deadlines: The Plaintiff is directed to file his objections to Magistrate Judge Kay's Report and Recommendation by 2/10/2012. (jth) (Entered: 01/12/2012)
02/03/2012	33	ENTERED IN ERROR.....NOTICE OF SUBSTITUTION OF COUNSEL by Benjamin Cory Schwartz on behalf of All Defendants Substituting for attorney Felice D. Cherry (Schwartz, Benjamin) Modified on 2/3/2012 (rdj). (Entered: 02/03/2012)
02/03/2012	34	NOTICE OF SUBSTITUTION OF COUNSEL by Benjamin Cory Schwartz on behalf of All Defendants Substituting for attorney Felice D. Cherry (Schwartz,

		Benjamin) (Entered: 02/03/2012)
02/03/2012		NOTICE OF CORRECTED DOCKET ENTRY: re 33 Substitution of Counsel was entered in error at the request of counsel and counsel will refile said pleading. (rdj) (Entered: 02/03/2012)
02/06/2012	35	OBJECTION to 31 Report and Recommendations filed by JOAQUIN MARIO VALENCIA-TRUJILLO. (Attachments: # 1 Exhibit (various pages are illegible)) (jf,) (Entered: 02/08/2012)
02/16/2012	36	ORDER adopting the Magistrate's Report and Recommendation, denying plaintiff's 14 14 14 14 14 Motions and granting defendants' 18 Motion for Summary Judgment. Signed by Judge Amy Berman Jackson on 2/16/12. (ms,) (Entered: 02/16/2012)

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